

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS
(Jointly Administered)

**RESPONSE OF THE PUERTO RICO FISCAL AGENCY AND FINANCIAL
ADVISORY AUTHORITY TO ORDER GRANTING MOTION TO SEAL FOR
LIMITED DURATION AND FOR SUPPLEMENTAL BRIEFING [ECF NO. 18633]**

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), as fiscal agent for the Commonwealth of Puerto Rico (the “Commonwealth”), respectfully submits this brief in response to the Court’s *Order Granting the DRA Parties’ Urgent Motion to File the DRA Parties’ Objection to the Seventh Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, Et Al. Under Seal and the DRA Parties’ Expert Reports Attached in Support Thereto for Limited Duration and for Supplemental Briefing* [ECF No. 18663] (“Order”). In response to the Order, AAFAF respectfully states as follows.

1. On October 19, 2021, the DRA Parties² filed *The DRA Parties’ Urgent Motion to File the DRA Parties’ Objection to the Seventh Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, Et Al. Under Seal and the DRA Parties’ Expert Reports Attached*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801).

² “DRA Parties” has the meaning ascribed in the Urgent Motion

in Support Thereto, ECF No. 18599 (“Urgent Motion”).

2. In the Urgent Motion, the DRA Parties seek to file under seal the *Objection of the DRA Parties to the Seventh Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, Et Al.* (ECF No. 18590) (“Objection”), as well as the expert reports of Lizette Martinez, David W. Prager, and Douglas J. Brickley (ECF Nos. 18596-9, 18596-10, 18596-16) (“Expert Reports”). The Urgent Motion explains the reason for seeking sealed and redacted treatment of the Objection and Expert Reports is that “[s]ignificant portions of the analysis and conclusions in the DRA Expert Reports” rely on and refer to Confidential Data³ under the Protective Orders.⁴

3. On October 21, 2021, the Court entered the Order, allowing the DRA Parties to file the Objection and Expert Reports under seal for limited duration. The Order noted that the Urgent Motion “does not include sufficient information to justify sealing” of the Objection and Expert Reports, and stated that “[a]ny party may file with the Court a short brief justifying the continued sealing” of the Objection and Expert Reports by October 26, 2021.

4. AAFAF does not object to the DRA Parties’ filing the Objection and Expert Reports on the public docket, provided the DRA Parties redact personally identifying information as set forth in Federal Rule of Bankruptcy Procedure 9037 (“Privacy Protection for Filings Made with the Court”).

WHEREFORE, AAFAF respectfully requests that this Court direct public filing of the Objection and Expert Reports with redactions made pursuant to Federal Rule of Bankruptcy Procedure 9037.

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³ “Confidential Data” has the meaning ascribed in the Urgent Motion.

⁴ “Protective Orders” has the meanings ascribed in the Urgent Motion.

Dated: October 26, 2021
San Juan, Puerto Rico

Respectfully submitted,

/s/ Peter Friedman

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CERTIFICATE OF SERVICE

I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case

/s/ Luis C. Marini-Biaggi

Luis C. Marini-Biaggi